

Pro Se 3 (Rev. 12/16) The Defendant's Answer to the Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of Texas

Dallas Division

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

2018 AUG -2 PM 2:24

DEPUTY CLERK

*CA*

Gary G. Flick

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

THOMAS J. CAUFIELD, an individual and citizen of TX; ESSENTIAL FINANCIAL EDUCATION INC. a TX Corporation; and THE TUITION FUNDING SOURCE LLC a TX Limited Liability Corporation

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. 3:18-cv-01734-K

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

THE DEFENDANT'S ANSWER TO THE COMPLAINT

I. The Parties Filing This Answer to the Complaint

Provide the information below for each defendant filing this answer or other response to the allegations in the plaintiff's complaint. Attach additional pages if needed.

Name	Thomas J Caufield
Street Address	5025 Preservation Avenue
City and County	Colleyville, Tarrant
State and Zip Code	TX 76034
Telephone Number	414-238-4836
E-mail Address	turnkeyforsale@yahoo.com

II. The Answer and Defenses to the Complaint

**A. Answering the Claims for Relief**

1. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 1.
2. Defendant denies allegations in paragraph 2.
3. Defendant denies allegations in paragraph 3.
4. Defendant denies allegations in paragraph 4.
5. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 5.
6. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 6.
7. Defendant admits
8. Defendant admits, although address is now 1501 Hall Johnson #1273 Colleyville TX 76034
9. Defendant admits, although address is now 1501 Hall Johnson Rd #1273 Colleyville TX 76034
10. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 10.
11. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 11.
12. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 12.
13. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 13.
14. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 14.
15. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 15.
16. Defendant Admits
17. Defendant Admits
18. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 18.
19. Defendant denies the allegations in paragraph 19.
20. Defendant admits
21. Defendant admits
22. Defendant admits
23. Defendant admits
24. Defendant admits
25. Defendant admits
26. Defendant admits
27. Defendant admits
28. Defendant admits
29. Defendant admits
30. Defendant admits
31. Defendant admits
32. Defendant admits
33. Defendant denies as this was a typo in the PPM. There was no intent to mislead. The previous page of PPM has the formation date correct.
34. Defendant admits
35. Defendant denies
36. Defendant admits
37. Defendant denies
38. Defendant admits
39. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 39.
40. Defendant admits
41. Defendant denies
42. Defendant denies
43. Defendant denies
44. Defendant denies
45. Defendant denies
46. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 46.
47. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 47.
48. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 48.
49. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 49.
50. Defendant denies

51. Defendant denies
52. Defendant denies and Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 52.
53. Defendant denies – Mr. Flick filled out and returned the Subscription documents and Investor Suitability Questionnaire in full.
54. Defendant admits
55. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 55.
56. Defendant admits
57. Defendant admits
58. Defendant admits
59. Defendant admits
60. Defendant admits
61. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 61.
62. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 62.
63. Defendant admits
64. Defendant admits
65. Defendant denies
66. Defendant admits
67. Defendant denies
68. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 68.
69. Defendant admits
70. Defendant admits
71. Defendant admits
72. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 72.
73. Defendant admits
74. Defendant denies
75. Defendant repeats and incorporates answers to paragraphs 1-74 of this response by reference.
76. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 76.
77. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 77.
78. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 78.
79. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 79.
80. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 80.
81. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 81.
82. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 82.
83. Defendant repeats and incorporates answers in paragraphs 1 – 82 of this answer by reference.
84. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 84.
85. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 85.
86. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 86.
87. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 87.
88. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 88.
89. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 89.
90. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 90.
91. Defendant repeats and incorporates answers to paragraphs 1-90 of this answer by reference.
92. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 92.
93. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 93.
94. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 94.
95. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 95.
96. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 96.
97. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 97.
98. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 98.
99. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 99.
100. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 100.
101. Defendant repeats and incorporates answers to paragraphs 1-100 of this answer by reference.
102. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 102.

103. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 103.
104. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 104.
105. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 105.
106. Defendant repeats and incorporates answers from paragraphs 1-105 of this answer by reference.
107. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 107.
108. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 108.
109. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 109.
110. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 110.
111. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 111.
112. Defendant repeats and incorporates answers to paragraphs 1-111 of this answer by reference.
113. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 113.
114. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 114.
115. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 115.
116. Defendant repeats and incorporates answers from paragraphs 1-115 of this answer by reference.
117. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 117.
118. Defendant admits
119. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 119.
120. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 120.
121. Defendant admits
122. Defendant admits
123. Defendant repeats and incorporates the answers from paragraphs 1-122 of this answer by reference.
124. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 124.
125. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 125.
126. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 126.
127. Defendant denies
128. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 128.
129. Defendant denies
130. Defendant denies
131. Defendant repeats and incorporates answers to paragraphs 1-130 of this answer by reference.
132. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 132.
133. Defendant denies
134. Defendant denies
135. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 135.
136. Defendant denies
137. Defendant denies
138. Defendant denies
139. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 139.
140. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 140.
141. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 141.
142. Defendant incorporates all of the preceding paragraphs as if fully set forth herein.
143. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 143.
144. Defendant denies
145. Defendant denies
146. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 146.
147. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 147.
148. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 148.
149. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 149.
150. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 150.
151. Defendant lacks sufficient knowledge to admit or deny the allegations in paragraph 151.
152. Defendant denies

**B. Presenting Defenses to the Claims for Relief**

1. The court does not have subject-matter jurisdiction over the claims because *(briefly explain why there is no federal-question jurisdiction or diversity-of-citizenship jurisdiction; see the complaint form for more information)*  

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2. The court does not have personal jurisdiction over the defendant because *(briefly explain)*  

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3. The venue where the court is located is improper for this case because *(briefly explain)*  

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4. The defendant was served but the process-the form of the summons-was insufficient because *(briefly explain)*  

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5. The manner of serving the defendant with the summons and complaint was insufficient because *(briefly explain)*  

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6. The complaint fails to state a claim upon which relief can be granted because *(briefly explain why the facts alleged, even if true, are not enough to show the plaintiff's right to recover)*  

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7. Another party *(name)* \_\_\_\_\_ needs to be joined (added) in the case. The reason is *(briefly explain why joining another party is required)*

- a. If the basis for subject-matter jurisdiction is diversity of citizenship, state the effect of adding the other party:

The other party is a citizen of the State of *(name)* \_\_\_\_\_.

Or is a citizen of *(foreign nation)* \_\_\_\_\_. The amount of damages sought from this other party is *(specify the amount)* \_\_\_\_\_.

- b. If the claim by this other party is based on an alleged violation of a federal constitutional or statutory right, state the basis:

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**C. Asserting Affirmative Defenses to the Claims for Relief**

The plaintiff's claim for *(specify the claim)*

\$500,000

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is barred by *(identify one or more of the following that apply)*:

1. Accord and satisfaction *(briefly explain)*

- 
2. Arbitration and award *(briefly explain)*

- 
3. Assumption of risk *(briefly explain)*

- 
4. Contributory or comparative negligence of the plaintiff *(briefly explain)*

- 
5. Duress *(briefly explain)*

6. Estoppel *(briefly explain)*

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7. Failure of consideration *(briefly explain)*

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8. Fraud *(briefly explain)*

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9. Illegality *(briefly explain)*

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10. Injury by fellow employee *(briefly explain)*

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11. Laches (Delay) *(briefly explain)*

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12. License *(briefly explain)*

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13. Payment *(briefly explain)*

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14. Release *(briefly explain)*

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15. Res judicata *(briefly explain)*

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16. Statute of frauds *(briefly explain)*

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17. Statute of limitations *(briefly explain)*

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18. Waiver *(briefly explain)*

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19. Other *(briefly explain)*

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**D. Asserting Claims Against the Plaintiff (Counterclaim) or Against Another Defendant (Cross-Claim)**

1. The defendant has the following claim against the plaintiff *(specify the claim and explain it; include a further statement of jurisdiction, if needed)*:

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2. The defendant has the following claim against one or more of the other defendants *(specify the claim and explain it; include a further statement of jurisdiction, if needed)*:

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3. State briefly and precisely what damages or other relief the party asserting a counterclaim or cross-claim asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons that are alleged to entitle the party to actual or punitive money damages.

a. The defendant asserting the counterclaim or cross-claim against *(specify who the claim is against)* \_\_\_\_\_ alleges that the following injury or damages resulted *(specify)*:

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- b. The defendant seeks the following damages or other relief (*specify*):
- \_\_\_\_\_

### III. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this answer: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the answer otherwise complies with the requirements of Rule 11.

#### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 8/2/2018

Signature of Defendant

Printed Name of Defendant

Thomas J. Caufield  
TITOMAS J CAUFIELD

#### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address